



## EXECUTIVE OFFICER'S REPORT

### North Coast Regional Water Quality Control Board

August 20, 2020

#### **Dry Conditions Lead to Reduced Russian River Flows and Agency Response** *Bryan McFadin*

The 2020 water year is shaping up to have the 3<sup>rd</sup> lowest precipitation in 127 years of record in Ukiah. That alarming statistic mirrors the extraordinarily dry conditions throughout the North Coast Region, where precipitation totals in the 2019-2020 rainfall season are far below normal.

Location	% of Normal Precipitation
Eureka	75
Montague	40
Ukiah	41
Santa Rosa	54

Source:

<https://www.cnrfc.noaa.gov/awipsProducts/RNORR4RSA.php>

#### **Sonoma Water's Temporary Urgency Change Petition**

On April 30, 2020, the Federal Energy Regulatory Commission approved a variance request filed by PG&E to reduce flows out of Lake Pillsbury. The reduced Lake Pillsbury releases have resulted in a reduction to Lake Mendocino inflows of 50 to 60 acre-feet/day. The reduced Lake Mendocino inflows and dry conditions has resulted in a volume of water storage that is insufficient to maintain the minimum streamflow conditions for the Russian River required by the State Water Resources Control Board (State Water Board)

throughout the dry season without significant impacts to water quality, primarily water temperature conditions.

On June 8, 2020, Sonoma Water filed a Temporary Urgency Change Petition (TUCP) with the State Water Board requesting approval to reduce flows to levels lower than the minimum instream flow requirements of water rights Decision 1610, which the State Water Board adopted on April 17, 1986. Decision 1610 specifies minimum flow requirements for the Upper Russian River, Dry Creek, and the Lower Russian River.

Sonoma Water's TUCP requests a reduction in flow from 75 ft<sup>3</sup>/s to 50 ft<sup>3</sup>/s in the Russian River upstream of Dry Creek, and from 85 ft<sup>3</sup>/s to 60 ft<sup>3</sup>/s downstream of Dry Creek. This request was approved by the State Water Board on July 28, 2020.

Regional Water Board staff met with Sonoma Water regarding the TUCP and associated monitoring program. This consultation meeting resulted in an agreement between the Regional Water Board and Sonoma Water on revisions to the 2019 monitoring program. The revisions include increased algal monitoring and communication of the results to Regional Water Board staff. Regional Water Board staff has concerns about the possibility of harmful algal blooms of cyanobacteria (cyanoHABs) and elevated pathogen concentrations during low stream flow conditions in the Russian

River and its tributaries. These conditions often pose a threat to public health and have resulted in public health advisory postings on the Russian River in recent years. The upgraded monitoring provisions will enhance our ability to track water quality conditions through the low-flow season.

**Agency Outreach**

In recognition of the extraordinarily dry conditions in the Russian River watershed, the North Coast Regional Water Quality Control Board, State Water Board, California Department of Fish and Wildlife, and National Marine Fisheries Service are collaborating on an outreach flyer to water users in the Russian River watershed. The flyer is intended to increase awareness of the poor flow conditions in the watershed, identify actions water users can take to reduce water demands this year, and encourage long-term approaches to water conservation. Conservation actions to benefit flow conditions include reducing water diversions, reducing groundwater withdrawals from near-stream wells, reusing greywater, and coordinating with neighbors to divert water at different times. The identified long-term actions include development of off-stream storage, habitat restoration, and projects that release water instream to augment low stream flows.



**Healthy Soils Initiative and Composting in the North Coast Region** *Gina Morrison*

The goal of the North Coast Region’s groundwater protection program is to preserve and maintain high quality groundwater and to restore degraded groundwater. The Region’s Groundwater Protection Unit, which operates within the Point Source Control and

Groundwater Protection Division, protects groundwater through several programs that are responsible for developing and implementing plans and policies, waste discharge requirements, and groundwater investigations and cleanups. Statewide policies and initiatives benefit from close collaboration to achieve statewide objectives. A great example of this type of statewide collaboration is the State’s Healthy Soils Initiative, where staff from the North Coast Region are working with their counterparts from multiple regulatory agencies across the state to streamline permitting of composting operations while at the same time promoting best management practices that are protective of water quality.

**Healthy Soils Initiative**

California's Healthy Soils Initiative (HSI) is a collaboration of state agencies and departments, led by the California Department of Food and Agriculture (CDFA), to promote the development of healthy soils. The HSI encourages a combination of innovative farm and land management practices that contribute to building adequate soil organic matter, which can provide myriad water quality benefits including:

- Reducing erosion and sedimentation by building soil structure and stability
- Increasing water retention and infiltration of soils
- Reducing the use of inorganic fertilizers and pesticides
- Improving plant health to increase the effective uptake of applied nutrients.

Composting of organic material is one of a combination of sustainability practices promoted under California’s HSI. Composting is the natural or controlled aerobic decomposition of organic solid waste materials into a humus-like material that we know as compost. A succession of microbes and fungi, which thrive on different compounds in the feedstock and at different

temperature ranges, are fundamental to the composting process. The efficiency of the composting process can be optimized by providing the correct balance of carbon, nitrogen-containing feedstocks, water, and oxygen. It is an important best management practice (BMP) to ensure food waste, manures, biosolids, and yard waste are mixed in a proper ratio to preserve the nutrients within the final compost product. Although composting in California is not new, the regulation of composting operations for the protection of water quality by the Regional Water Boards has been inconsistent, with some regional boards issuing waivers of waste discharge requirements while others, including the North Coast Region, permitting the operations under the statewide Stormwater Industrial General Permit. This inconsistency in regulation led to uneven water quality protection and an unlevel playing field for operators of composting operations. This changed in 2015 when the State Water Resources Control Board adopted General Waste Discharge Requirements for Composting Operations, Order WQ 2015-0121-DWQ (General Compost Order).

### **General Compost Order**

Adopted on August 4, 2015, the General Compost Order established a streamlined permitting process for private and public entities or persons performing composting operations. The General Compost Order contains requirements for composting operations to manage wastewater; and includes specifications for surface water setbacks, depth to groundwater, allowable feedstocks, drainage, working surfaces, and detention ponds.

For those sites that fall within the guidelines of the General Compost Order, the Order is broken up into two tiers, which are defined mainly by volume and type of feedstocks. Tier 1 is the lower tier which allows for total facility capacities below 25,000 cubic yards and lower water quality threat feedstocks, such as green materials and vegetative food materials. Tier

2 is for sites with a total capacity of 25,000 cubic yards or greater or using higher water quality threat feedstocks such as manure or non-vegetative food materials.

The General Compost Order was recently amended by the State Water Board at their April 7, 2020 Board Meeting. The main changes were to allow manure as a Tier 1 feedstock if the site has a complete Groundwater Protection Monitoring Plan including on-site groundwater wells. The permit changes also eliminated some requirements and conditions that were better suited to industrial/commercial scale composting operations and were regulatory obstacles to local on-farm composting operations. Under the revised General Compost Order, farmers are now legally allowed to do the following without enrolling in the Order:

- Make unlimited quantities of compost for their own use—not exceeding 25,000 cubic yards of feedstocks and compost on the farm at any one time
- Bring on feedstocks from off the farm, including manure
- Sell or give away up to 5,000 cubic yards of finished compost
- Implement a set of best management practices in lieu of costly infrastructure
- Avoid separate registration for making compost

To support on-farm composting of agricultural materials, CDFG has convened a multi-agency working group that includes CalRecycle, California Air Resources Board, local air quality management districts, and the State and Regional Water Boards. The working group will evaluate definitions, regulations, requirements, and industry best practices to align agencies in order to develop standard BMPs for on-farm composting and feedstock acquisition, assess the net community impact of on-farm compost production for water

quality and air quality in agricultural communities as necessary to inform the activities of the permitting and regulatory alignment committee, and communicate the net environmental benefits as well as public health benefits to stakeholders, in particular within disadvantaged communities. Matt St. John and Charles Reed are representing the North Coast Regional Water Board in this effort.

### **North Coast Commercial Composting Facilities**

The North Coast Region has received five Notice of Intentions (NOIs) for enrollment into the General Compost Order including:

1. Hambro Forest Products located in Crescent City, Del Norte County. They accept agricultural material, green waste, and manure and qualify for an enclosed vessel exemption.
2. Cold Creek Compost located in Ukiah, Mendocino County. They are a Tier 2 facility and accept agricultural material, green material, paper material, residentially collected food and green material, food material, manure, and vegetative food material.
3. Mendocino Earth Products in Ukiah, Mendocino County. They are a Tier 1 facility and accept agricultural material and green material.
4. Wes Green Compost in Arcata, Humboldt County. They are a Tier 1 facility and accept green material.
5. Grab 'N Grow in Santa Rosa, Sonoma County. They are a Tier 2 facility and accept agricultural material, green material, and manure and are Tier 2.

In 2019, the NOIs and Technical Reports for four other operations not eligible for an exemption were deemed incomplete. Staff continues to assist each applicant to gather the necessary information for complete NOIs; and is concurrently working on formal

enrollment letters with comments on the Technical Reports for each facility. Following enrollment, staff will inspect the facilities, evaluate any needs for site improvements, and communicate any compliance deadlines.

In addition to the four pending enrollments, staff is working with C&S Waste, who is proposing a new compost facility in Ukiah and seeking to meet the General Compost Order exemption for an enclosed vessel. In 2019, CalRecycle awarded C&S Waste a three-million-dollar grant from the Greenhouse Gas Reduction Fund. These grants are being awarded for projects that invest in infrastructure that increase in-state solid waste diversion, including aerobic composting. Regional Water Board staff is expediting the review of C&S Waste's Technical Report, which is necessary to determine permitting requirements, so C&S Waste can meet its grant deadlines

### **Pilot Composting Projects in the North Coast Region**

Regional Water Board staff has also provided compliance assistance on two pilot projects for small volume animal composting in Siskiyou County, because animal composting is prohibited by the General Compost Order. The first project, already underway, is being conducted by the UC Cooperative Extension at the Intermountain Research and Extension Center in Tulelake. This project was moved entirely indoors and as such does not require any water quality permits. The second project is part of a wolf predation avoidance research project by US Fish and Wildlife Service. This project is expected to be conducted outdoors in the vicinity of the municipal airport in Weed.

The sustainable management of organic material plays an important role not only in improvement of soil health and the realization of water quality as described above, but also provides other environmental benefits such as sequestering carbon and reducing greenhouse gas emissions from landfills. California is leading the nation in supporting

innovative climate smart agriculture programs that address on-farm challenges and promote agricultural and environmental sustainability. North Coast Water Board staff are proud to be a part of this important effort.



The picture below shows final compost product screening at a composting facility in Mendocino County. Photo by Gina Morrison.

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### Russian River Watershed Association Environmental Column: July 2020 - Fire-Smart and Water-Wise: Tips for a Resilient Landscape

Summer is upon us! If you've kept a garden or maintained a landscape here in Sonoma County, you know just how thirsty plants can get in the dry season. Luckily, many of the guiding principles for having a water-wise garden in our climate have the co-benefit of being fire-smart. Many folks are familiar with the concept of defensible space but keeping that buffer around homes and buildings to reduce the threat of fires doesn't mean we can't have beautiful plants in the landscape. Defensible space can simply mean a properly maintained garden or yard!

Perhaps the most important factor is maintenance. The most fire-smart landscape

design in the world is not very helpful for reducing risk if it isn't properly maintained. First, you want to keep the plants on your landscape hydrated throughout the dry season. Summer irrigation, especially with water-wise methods like drip irrigation and greywater, is one of the best tools in your toolbox. Using highly efficient drip irrigation, along with a properly programmed timer, minimizes evaporation and makes sure that the water you're sending out into the landscape is reaching its intended target: your plants! As you may have guessed, the higher a plant's moisture content, the more resistant to fire it will be.

It is likewise important to remove dead plant material from your landscape, from mature trees and shrubs, to branches, firewood, and debris like leaves, needles and cones. Whether on the ground or still attached to living plants, this dead material is prime fuel for fires, and if left unmanaged can undo your hard work in creating defensible space. For this reason, it's a good idea to choose plants that don't need excessive maintenance – after all, we want to enjoy our landscapes, not just work in them!

It is important to remember that fire is part of our region's ecology. Native plant species adapted to cycles of wildfire burns over millennia, and many have developed fire resistant strategies. Natives will also require less water and maintenance in summer months compared to ornamentals and plants from other bioregions. Here are some examples of fire-smart natives:

- **Trees:** Pacific dogwood, big leaf maple, oak species, coast redwood.
- **Shrubs:** Bush anemone, toyon, coffeeberry.
- **Perennials:** Yarrow, sticky monkey flower, California fuschia.
- **Groundcovers:** Creeping thyme, creeping mahonia, purple stonecrop.



# Enforcement Report for August 2020 Executive Officer's Report

*Diana Henriouille and Jordan Filak*

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
May 18, 2020	Jourdan Del Biaggio	NOV	California Water Code Section 13260	Resolved

**Comments:** On May 18, 2020, Division Chief Jonathan Warmerdam, on behalf of the Southern Timber unit senior, issued two Notices of Violation (NOVs) to Jourdan Del Biaggio, owner of Del Biaggio Dairies #1 and #2, located at 3155 Hwy 211, Ferndale, and 2710 Eel River Drive, Loleta, respectively. Mr. Del Biaggio has failed to enroll either of these Humboldt County dairies for coverage under the General Waste Discharge Requirements (WDRs) for Dairies in the North Coast Region. This is a violation of Water Code 13260. Staff have made several attempts to contact both dairies regarding the requirement to file a Notice of Intent (NOI) to enroll for coverage under the WDRs. Between September 2019 and March 10, 2020, Regional Water Board staff telephoned and emailed Mr. Del Biaggio to provide reminders of the requirement to submit NOIs, as well as to advise Mr. Del Biaggio of the annual free workshop. Each NOV directed Mr. Del Biaggio to complete an NOI form and submit photos of the dairy manure ponds by June 30, 2020. On June 30, 2020, Regional Water Board staff received NOIs for both facilities; they are now both enrolled for coverage under the GWDRs. This matter is resolved.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
May 18, 2020	Andrew Zlot	NOV	California Water Code section 13260	Resolved

**Comments:** On May 18, 2020, Division Chief Jonathan Warmerdam, on behalf of the Southern Timber unit senior issued an NOV to Andrew Zlot of Double 8 Dairy located at 11205 Valley Ford Road, Petaluma, Sonoma County, for failing to obtain coverage for Double 8 Dairy under General Waste Discharge Requirements for Dairies in the North Coast Region Order No. R1-2019-0001. This is a violation of Water Code 13260. The NOV directed Mr. Zlot to complete Notice of Intent (NOI) form and submit photos of the dairy manure pond/storage area by June 30, 2020. On May 18, 2020, Mr. Zlot submitted his NOI, and on June 15, Regional Water Board staff received his application fee completing enrollment under the GWDR. This matter is resolved.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
May 18, 2020	Doug Hale	NOV	California Water Code section 13260	Resolved

**Comments:** On May 18, 2020, Division Chief Jonathan Warmerdam, on behalf of the Southern Timber unit senior issued an NOV to Doug Hale of Hale Dairy located at 441 Holzhauser Road, Etna, Siskiyou County, for the failure to obtain coverage under General Waste Discharge Requirements for Dairies in the North Coast Region. This is a violation of Water Code 13260. Between September 2019 and December 2019, Regional Water Board staff telephoned and emailed Mr. Hale to provide reminders of the requirement to submit the NOI and to notify him of the annual free workshop. The NOV directed Mr. Hale to complete an NOI form and submit photos of the dairy manure ponds by June 30, 2020. Mr. Hale submitted a NOI, received by staff

on June 30, requiring revision. On July 6, 2020, Regional Water Board staff received Mr. Hale's corrected NOI, and the dairy is now enrolled under the GWDR. This matter is resolved.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
May 27, 2020	Blake and Stephanie Alexandre	NOV	GWDR for Dairies in the North Coast Region	Resolved

**Comments:** On May 27, 2020, the Southern Timber unit senior issued an NOV to Blake and Stephanie Alexandre of Alexandre Dairy for violations of the General Waste Discharge Requirements for Dairies in the North Coast Region. On April 8, 2020, manure lagoon water applied for irrigation on Alexandre Dairy discharged to groundwater, potentially impacting a domestic water supply well on the adjacent parcel. On April 20, 2020, Regional Water Board staff emailed the Alexandre's representative, Mr. Howard, explaining the requirement to submit a Noncompliance Report per the GWDR. On April 21, 2020, Mr. Howard submitted the required report. Based on corrective actions taken, including submission of a Noncompliance Report, and Corrective Action Plan, no further action is required to resolve the alleged violations listed in the NOV at this time. This matter is resolved.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
May 27, 2020	Ketan C. Mehta, CEO and Founder Nina Mehta, President NeilMed Pharmaceuticals Inc.	NOV	1. California Water Code (Water Code) sections 13260, 13264, and 13376 2. Clean Water Act section 301	Ongoing

**Comments:** On May 27, 2020, the Enforcement Unit senior issued an NOV to Ketan Mehta and Nina Mehta of NeilMed Pharmaceuticals for violations of the California Water Code sections 13260, 13264, and 13376, the Clean Water Act section 301, and failure to obtain coverage under and comply with the requirements of the National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Industrial Activities (IGP). Beginning January 8, 2019, Regional Water Board staff informed NeilMed Inc. numerous times of the requirement to enroll their facility, located on Aviation Blvd, in Santa Rosa, for coverage under the IGP. In addition, representatives of NeilMed Inc. have advised the Regional Water Board numerous times by telephone or email of their plans to enroll the Facility for coverage under the Permit. However, to date, the Facility has not obtained appropriate regulatory coverage and continues to operate and conduct industrial activities. Pursuant to Water Code section 13385, NeilMed Inc. is liable for penalties of up to \$10,000 for each day without coverage under the permit. The Regional Water Board has directed NeilMed Inc. to enroll for coverage under the IGP immediately. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
June 15, 2020	Mr. Dean Soiland, BoDean Company, Inc.	NOV	<ol style="list-style-type: none"> <li>1. Industrial General Permit requirements.</li> <li>2. Water Code section 13263.3(g)</li> </ol>	Ongoing

**Comments:** On June 15, 2020, the NPDES Unit senior issued an NOV to Mr. Dean Soiland for violations of the IGP, section X.; subsections H.1.a, H.1.b, H.1.c, H.1.d, and H.1.e; and Water Code section 13263.3(g). On December 5, 2019, the City of Santa Rosa and the Regional Water Board conducted a joint compliance inspection of the Santa Rosa Hot Plant Facility, and observed poor housekeeping practices, and inadequate preventative maintenance; spill and leak prevention and response; material handling and waste management; erosion, and sediment controls, as well as inadequate maintenance of the advanced BMPs. The NOV directs Mr. Soiland to take steps to correct the violations as soon as possible. Penalties may be assessed for each day of violation beginning with the first day of violation. This matter is ongoing

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
June 18, 2020	Su Wang and Jesse Farrell	NOV	<ol style="list-style-type: none"> <li>1. SWRCB Cannabis General Order</li> <li>2. Basin Plan section: <ul style="list-style-type: none"> <li>• 4.2.1 Prohibitions 1 and 2</li> </ul> </li> <li>3. California Water Code sections 13260, 13264, and 13376</li> <li>4. Clean Water Act sections 301 and 404</li> </ol>	Ongoing

**Comments:** On June 18, 2020, the Southern Cannabis Regulatory Unit senior issued an NOV to Su Wang and Jesse Farrell for violations associated with their property in the Navarro River watershed, in Mendocino County. During a September 19, 2019 multi-agency inspection, Regional Water Board and CDFW staff observed features and conditions associated with site development and use for cannabis cultivation that were causing or had resulted in discharges and threatened discharges of waste to receiving waters. Additionally, staff has determined that violations of Clean Water Act Sections 301 and 404 associated with unauthorized dredge/fill in surface waters at the Property had occurred. The NOV directs Su Wang and Jesse Farrell to contact staff within 30 days to advise of their plan and schedule to address the violations. The NOV also directs Su Wang and Jesse Farrell to submit a Site Management Plan within 45 days and modify their coverage under the statewide Cannabis Order. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
June 24, 2020	John Mahony, John and Jacqueline Mahony Trust, Stephanie Bowler	NOV	<ol style="list-style-type: none"> <li>1. Cannabis General Order</li> <li>2. Regional Cannabis Order</li> <li>3. Basin Plan section 4.2.1</li> <li>4. Water Code sections 13260, and 13264</li> </ol>	Ongoing

**Comments:** On June 24, 2020, the Southern Cannabis Regulatory Unit senior issued an NOV to John Mahony and Stephanie Bowler for violations associated with their property in the Weott Hydrologic Subarea, in Humboldt County. During a March 27, 2018 inspection of the subject Property, Regional Water Board staff observed a buried watercourse and culverted stream crossings requiring corrective work. On May 7, 2019, Regional Water Board staff inspected the

property and identified eleven locations of unauthorized work in waters of the state of California and additionally observed violations of the California Water Code, the Basin Plan and the Regional Cannabis Order. The NOV directs Mr. Mahony and Ms. Bowler to contact staff within 30 days to advise of their plan and schedule to address the violations. The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
June 24, 2020	Hunter Barber Callcre 3001, LLC	NOV	Failure to Comply with Required Action No. 2 of Cleanup and Abatement Order No. R1-2020-0017	Ongoing

**Comments:** On February 12, 2020, the Executive Officer of the North Coast Regional Water Quality Control Board issued a CAO to Hunter Barber of Callcre 3001, LLC. The CAO pertains to observed discharges and threatened discharges to receiving water associated with site development on the property, including clearing, grading, and construction of roads, flat areas, a pond, and a stream crossing, without adequate drainage, erosion, or sediment control features, and without authorization from federal, state, and local agencies. On June 5, 2020, Regional Water Board staff contacted Mr. Barber's consultant, NRM, inquiring about the status of the Cleanup, Restoration, and Monitoring Plan (CRMP), and requesting a site visit. NRM staff advised Regional Water Board staff that they had not been in recent contact with Mr. Barber. Following issuance of the NOV, both NRM and Mr. Barber have been in contact with Regional Water Board staff regarding CAO requirements. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
July 1, 2020	Kenneth W. Willis	NOV	<ol style="list-style-type: none"> <li>1. Water Code sections 13260, 13264, &amp; 13376</li> <li>2. Basin Plan section 4.2.1 Prohibitions 1 &amp; 2</li> <li>3. Clean Water Act section 301</li> </ol>	Ongoing

**Comments:** On July 1, 2020, the Enforcement Unit senior issued a NOV to Kenneth W. Willis for violations associated with his property on Salmon Creek Road, Miranda, in Humboldt County. During a September 3, 2019 multi-agency inspection, Regional Water Board and CDFW staff observed features and conditions associated with site development and use for cannabis cultivation that were causing or had resulted in discharges and threatened discharges of waste to receiving waters. Staff also observed numerous locations with violations of the California Water Code, the Basin Plan, and the Federal Clean Water Act. The NOV directs Mr. Willis to contact staff within 30 days to advise of his plan and schedule to address the violations. The NOV also directs Mr. Willis to file a Report of Waste Discharge or to enroll for coverage under the statewide Cannabis Order. A consultant representing the current property owner has been in contact with Regional Water Board staff regarding water quality recommendations. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
July 2, 2020	Chang Xiong	NOV	Water Code sections 13260	Ongoing

**Comments:** On July 2, 2020, the Enforcement unit senior issued an NOV to Chang Xiong for violations associated with property in the Van Duzen River watershed in Trinity County. During a September 26, 2018 multi-agency inspection, Regional Water Board and CDFW staff observed features and conditions associated with site development and use for cannabis cultivation that were causing or had resulted in discharges and threatened discharges of waste to receiving waters. The NOV directs Chang Xiong to contact staff within 30 days to advise of his plan and schedule to address the violations. The NOV also directs Chang Xiong to file a Report of Waste Discharge or to enroll for coverage under the statewide Cannabis Order. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
July 7, 2020	Levi Carlos Rodriguez and Craig Combs	NOV	<ol style="list-style-type: none"> <li>1. (Basin Plan) section 4.2.1 Action Plan for Logging, Construction, and Associated Activities, Prohibitions 1 &amp; 2</li> <li>2. Water Code section 13376</li> <li>3. Clean Water Act section 301</li> <li>4. Cannabis General Order</li> </ol>	Ongoing

**Comments:** On July 7, 2020, the Enforcement unit senior issued an NOV to Levi Carlos Rodriguez and Craig Combs for violations associated with their property on Hoaglin Road and Heller Ranch Road, Kettenpom, in Trinity County. During a June 20, 2019 multi-agency inspection, Regional Water Board and CDFW staff observed evidence of recent development-related impacts to a wetland and watercourse, associated with construction of water storage ponds and access roads. The property is located in the Hoaglin Creek watershed in the North Fork Eel River watershed. On March 3, 2020, Mr. Combs enrolled the Property for coverage under the Cannabis General Order. On March 31, 2020, Regional Water Board staff, accompanied by Mr. Rodriguez and Mr. Combs, inspected the Property and confirmed that Mr. Rodriguez and Mr. Combs had not complied with regulatory requirements prior to conducting the dredge and fill activities that discharged earthen fill into a wetland and associated watercourse. The NOV directs Mr. Rodriguez and Mr. Combs to contact staff within 30 days to advise of their plan and schedule to address the violations as well as obtain the necessary state and federal permits. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
July 7, 2020	Mr. Peter Panagotacos	NOV	Access Request for Domestic Supply Well Destruction and Replacement	Ongoing

**Comments:** On July 7, 2020, Division Chief Charles Reed issued an NOV to Mr. Peter Panagotacos for failure to respond to a May 4, 2020 Access Request for Domestic Supply Well Destruction and Replacement issued by the Executive Officer. The Access Request requested that Mr. Panagotacos provide access to his property, the Santa Rosa U-Haul Center, in Santa Rosa, to allow for replacement of a domestic well, due to detection of methyl tert butyl ether (MTBE) impacts to local ground water. The Access Request advised Mr. Panagotacos that if an

access agreement could not be reached, and access was further delayed or denied, the Regional Water Board may use its authority under section 13304 of the Water Code to direct the owners/operators of the property to replace the well at their own cost. The Access Request asked Mr. Panagotacos to provide a response in writing by June 4, 2020. As of July 7, 2020, the Regional Water Board had not received a response. The NOV directs Mr. Panagotacos to work cooperatively, allow access to the property, comply with all requirements of the May 4 Access Request, and notify Regional Water Board staff of this compliance by August 6, 2020. If he does not do so, Regional Water Board staff will recommend that the Board consider assessment of administrative civil liability to obtain compliance with the Access Request. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
July 7, 2020	Mr. Craig Christensen, Mountain Valley Company	NOV	Order to Submit Work Plan Pursuant to Health and Safety Code section 25296	Ongoing

**Comments:** On July 7, 2020, the Division Chief Charles Reed issued an NOV to Mr. Craig Christensen for violations of an Order to Submit Work Plan Pursuant to Health and Safety Code section 25296, issued by the Executive Officer on September 19, 2019. In July 2004, while collecting soil samples on property in Covelo for geotechnical purposes, an environmental consulting company encountered and reported a petroleum odor in the subsoil. On July 6, 2018, Regional Water Board staff requested that Mountain Valley conduct a Phase 1 Environmental Site Assessment (ESA) and submit a workplan to assess any soil and groundwater contamination. On September 19, 2019, the Executive Officer directed Mountain Valley to submit an ESA and workplan. As of July 7, 2020, the Regional Water Board has not received a response from Mountain Valley. The NOV directs Mr. Christensen to comply with the requirements of the September 19, 2019 Order by August 6, 2020, or Regional Water Board staff will recommend that the Board consider assessment of administrative civil liability. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
July 8, 2020	Jim Wheeler, John W. Hagan	Notice of Non-Compliance	Failure to obtain IGP coverage	Ongoing

**Comments:** On July 8, 2020, Assistant Executive Officer Villacorta issued a second Notice of Noncompliance (NNC) to Jim Wheeler and John Hagan for the failure to enroll the Hagan Quarry, in Humboldt County, for coverage under the National Pollutant Discharge Elimination System general permit for storm water discharges associated with industrial activities (IGP). On March 3, 2020, Regional Water Board staff visited the Hagan Quarry and observed various mining operations subject to coverage under the IGP. On May 28, 2019, the Regional Water Board sent the first NNC, informing Mr. Wheeler and Mr. Hagan that IGP coverage is required for their facility. As of July 8, 2020, Jim Wheeler and John Hagan had yet to obtain IGP coverage for their facility. The second NNC advised Mr. Wheeler and Mr. Hagan that they must submit a NOI, Storm Water Pollution Prevention Plan (SWPPP), current site map, and fees by July 28, 2020, to avoid penalties or other enforcement actions. Staff have been in communication with an environmental consultant engaged by Hagan Quarry to assist with IGP enrollment. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
July 23, 2020	John Wilhelm	NOV	1. California Water Code section 13264, 13376 2. Cannabis General Order	Ongoing

**Comments:** On July 23, 2020, the Northern Cannabis unit senior issued an NOV to John Wilhelm for violations associated with his property in the Spy Rock Hydrologic subarea of the Middle Main Eel River watershed, in Humboldt County. During a January 9, 2020 multi-agency inspection, Regional Water Board and CDFW staff observed features and conditions associated with site development and use for cannabis cultivation that were causing or had resulted in discharges and threatened discharges of waste to receiving waters. Observations made include multiple stream crossings and cultivation related waste threatening discharge of waste to receiving waters. The NOV directs Mr. Wilhelm to contact staff within 30 days to advise of his plan and schedule to address the violations. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of July 29, 2020
July 24, 2020	Deborah Morton	NOV	1. Basin Plan section 4.2.1 2. The California Water Code section 13264, 13376 3. Federal Clean Water Act sections 401, and 404. 4. Cannabis General Order	Ongoing

**Comments:** On July 24, 2020, the Northern Cannabis unit senior issued an NOV to Deborah Morton for violations associated with her property in the Chamise Creek watershed, Humboldt County. Ms. Morton's is one of five properties with easement access through a ford crossing on Chamise Creek, a class 1 watercourse. Ms. Morton's property is enrolled for coverage under the statewide cannabis general order (CANGO). The use of a ford on a Class I watercourse represents violations of water quality requirements and regulations. The NOV recommends Deborah Morton ceases use of the wet ford located on her property until it is upgraded to comply with all applicable regulatory requirements, including the requirements of the CANGO, and is no longer threatening discharge of waste to waters of the State. The NOV also directs Ms. Morton to provide a plan and schedule to correct the violations discussed within 30 days of the date of the NOV. This matter is ongoing.

## **Projected List of Future Regional Water Board Agenda Items**

The following is a list of Regional Water Board agenda items that staff are planning for the upcoming Board meetings in 2020. **This list of agenda items is intended for general planning purposes and is subject to change.** Questions regarding the listed agenda items should be addressed to the identified staff person.

### **October 16 & 17, 2020**

- Lewiston CSD WDRs (*Roy O'Connor*) [A]
- Update on Enforcement Priorities (*Henriouille*) [I]
- Update on statewide Cannabis Program (*Grady/Kuszmar/Dougherty with Jon Bishop*) [I]

### **December 10 & 11, 2020**

- Sonoma County LAMP (*Charles Reed*) [A]
- Siskiyou County LAMP (*Roy O'Connor*) [A]
- Russian River CSD WWTP (*Cathy Goodwin*) [A]
- Sonoma Water Stream Maintenance Program Renewal (*Kaete King*) [A]
- College of the Redwoods POTW NPDES Recission (*Justin McSmith*) [A]
- Pending Enforcement Cases (*TBD*) [A]
- Klamath Dam Removal & Restoration Activities (*Clayton Creager & Heaven Moore*) [I]

